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the SS Entities

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

SPORTS SHINKO CO., LTD.,	)	CIVIL NO. CV 04-00124
a Japanese corporation,	)	ACK/BMK
)	
Plaintiff,	)	CONSOLIDATED CASES
)	
vs.	)	PLAINTIFFS AND THIRD-PARTY
	)	DEFENDANTS' MOTION TO STRIKE
QK HOTEL, LLC, a Hawai'i	)	UNTIMELY JOINDER BY DEFENDANT
limited liability company,	)	MUKAI IN KG DEFENDANTS' MOTION
et al.,	)	FOR SUMMARY JUDGMENT IN CIVIL
	)	NO. CV 04-00128, FILED ON
Defendants,	)	FEBRUARY 17, 2006;
	)	MEMORANDUM IN SUPPORT OF
and	)	MOTION; EXHIBIT "A";
	)	CERTIFICATE OF SERVICE
FRANKLIN K. MUKAI,)	
)	
Third-Party	)	DATE: _____
Plaintiff,	)	TIME: _____
	)	JUDGE: Hon. Alan C. Kay
vs.)	
	)	<i>KG MSJ HEARING DATE:</i>
SPORTS SHINKO (USA) CO.; LTD.,	)	DATE: March 20, 2006
a Delaware corporation, et al.,	)	TIME: 9:30 AM
	)	JUDGE: Hon. Alan C. Kay
Third-Party)	
Defendants.)	
_____)	

SPORTS SHINKO (USA) CO., LTD.,) CIVIL NO. CV 04-00125
a Delaware corporation,) ACK/BMK

Plaintiff,)

vs.)

PUKALANI GOLF CLUB, LLC, a)
Hawai'i limited liability)
company, et al.,)

Defendants,)

and)

FRANKLIN K. MUKAI,)

Third-Party)
Plaintiff,)

vs.)

SPORTS SHINKO CO., LTD.,)
a Japan corporation, et al.,)

Third-Party)
Defendants.)

SPORTS SHINKO (USA) CO., LTD, a) CIVIL NO. CV 04-00126
Delaware corporation,) ACK/BMK

Plaintiff,)

vs.)

KIAHUNA GOLF CLUB, LLC,)
a Hawai'i limited liability)
company, et al.,)

Defendants,)

and)

FRANKLIN K. MUKAI,)

Third-Party)
Plaintiff,)

vs.)	
)	
)	
SPORTS SHINKO CO., LTD.,)	
a Japan corporation, et al.,)	
)	
Third-Party)	
Defendants.)	
<hr/>)	
)	
SPORTS SHINKO CO., LTD., a	)	CIVIL NO. CV 04-00127
Japanese corporation,	)	ACK/BMK
)	
Plaintiff,)	
)	
vs.)	
)	
OR HOTEL, LLC, a Hawai`i)	
limited liability company,)	
et al.,)	
)	
Defendants,)	
)	
and)	
)	
FRANKLIN K. MUKAI,)	
)	
Third-Party)	
Plaintiff,)	
)	
vs.)	
)	
SPORTS SHINKO (USA) CO., LTD.,)	
a Delaware corporation, et al.,)	
)	
Third-Party)	
Defendants.)	
<hr/>)	
)	
SPORTS SHINKO (USA) CO., LTD.,	)	CIVIL NO. CV 04-00128
a Delaware corporation,	)	ACK/BMK
)	
Plaintiff,)	
)	
vs.)	
)	
MILILANI GOLF CLUB, LLC,)	
a Hawai`i limited liability)	
company, et al.,)	
)	

Defendants,)
)
and)
)
FRANKLIN K. MUKAI,)
)
Third-Party)
Plaintiff,)
)
vs.)
)
SPORTS SHINKO CO., LTD.,)
a Japan corporation, et al.,)
)
Third-Party)
Defendants.)
)

**PLAINTIFFS AND THIRD-PARTY DEFENDANTS' MOTION TO STRIKE
UNTIMELY JOINDER BY DEFENDANT MUKAI IN KG DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT IN CIVIL NO. CV 04-00128,
FILED ON FEBRUARY 17, 2006**

Plaintiffs and Third-Party Defendants Sports Shinko Co., Ltd., Sports Shinko (Hawaii) Co., Ltd., Sports Shinko (Mililani) Co., Ltd., Sports Shinko (Kauai) Co., Ltd., Sports Shinko (Pukalani) Co., Ltd., Sports Shinko Resort Hotel Corporation, Sports Shinko (Waikiki) Corporation, and Ocean Resort Hotel Corporation (collectively, the "**SS Companies**"), by and through their attorneys, Alston Hunt Floyd & Ing, move this Honorable Court pursuant to F.R.C.P. Rule 7 and LR 7.9, for an order striking Defendant Franklin K. Mukai's Joinder in KG Defendants' Motion for Summary Judgment in CV No. 04-00128 ACK-BMK Filed January 13, 2006, filed February 17, 2005 (the "**Joinder**").

Defendant Mukai's Joinder is a "substantive joinder" under L.R. 7.9, as it presents, albeit in a terse way, a legal argument not briefed by the KG Defendants, and is more than a joinder of "simple agreement". Thus, the Joinder was due by no later than January 17, 2006. It was filed on February 17, 2006.

If the Court deems Defendant Mukai's Joinder to be a "substantive joinder" under L.R. 7.9, the SS Companies move the Court to strike it as untimely, or in the alternative, to deny the Joinder. The basis for this Motion is set forth in the memorandum of law in support of this Motion.

DATED: Honolulu, Hawai'i, March 2, 2006.

/S/ Glenn Melchinger
PAUL ALSTON
GLENN T. MELCHINGER

Attorneys for Plaintiffs
and Third-Party Defendants,
the SS Entities